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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,628	04/01/2004	Otto Richard Eppinger	21854-00040-US	7856
30678	7590	01/07/2005	EXAMINER	
CONNOLLY BOVE LODGE & HUTZ LLP			EICKHOLT, EUGENE H	
SUITE 800			ART UNIT	
1990 M STREET NW			PAPER NUMBER	
WASHINGTON, DC 20036-3425			2854	

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/814,628

Applicant(s)

EPPINGER, OTTO RICHARD

Examiner

Eugene H Eickholt

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) ✓
Paper No(s)/Mail Date 7-21-04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin et al.

The fixed platen 28 reads on the pallet arm. See col. 2, lines 29-31 concerning having the die plate 34 mounted thereon. Upper platen 20 and lower platen 22 read on the platens. These platens are above and below the platen 28. A main cylinder 12 causes vertical reciprocation of the platens 20, 22 which reads on claim 5. See col. 2, lines 15-21. The tie rods, shouldered nuts and spacer sleeves and plates of claim 3 read on the frame. Modular frame 26 reads on the support. See col. 2, lines 23-24 and fig. 3. The logic valve 82 reads on the control means. See col. 3, lines 41-46.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al in view of Bradford.

Martin et al does not disclose heating his upper platen. This is common in the art as evidenced by Bradford who electrically heats the tools 24, 28 on the upper and lower platens. See also the heating of platens taught at col. 6 lines 24-25. It would have

Art Unit: 2854

been obvious to use electronic heat to heat the platens 20, 22 of Martin et al.

Motivation would be the reduction of water in the mold workpieces taught by Bradford at col. 4, lines 46-56. The explanation of the rejection of claim 1 is referred to in regards the other elements of claim 2. Cylinder 12 reads on claim 4.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art cited above as applied to claim 2 above, and further in view of Amacker.

Martin et al does not have a C style frame. Amacker shows such in fig. 1 as frame 1. It would have been obvious to modify Martin et al to have a C-frame as such permits ready access for the operator of the platen press from 3 of the 4 press sides.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A shortened statutory period of 3 months is set to respond.

Eickholt/ds

01/05/05


EUGENE H. EICKHOLT
PRIMARY EXAMINER

Any inquiry concerning the specifics of this communication should be directed to Examiner Eickholt, who can be reached Tuesday through Thursday. Inquiries of a general nature should be directed to the TC2800 receptionist.

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